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KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER BELIVEAU, SCOTT E	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/627,002		GABRIEL ET AL.	
	Examiner		Art Unit	
	Scott Beliveau		2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16, 18-21, 23-30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-16, 18-21, 23-30 and 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 04 June 2007 have been fully considered but they are not persuasive.

Applicant argues that one would not have been motivated to combine the teachings of Horiwitz et al. and Ozer et al. The examiner respectfully disagrees. In particular, applicant argues that since Ozer et al. does not disclose that the metadata that is actually used for comparison as recited in claim 9 that the combination is improper. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Ozer et al. ('929) discloses the usage of VCHIP and MPAA ratings that include content and parental guide information (Col 8, Lines 9-12). Horiwitz et al. provides evidence that VCHIP and MPAA ratings information may be utilized in order to control access to content (Col 7, Lines 22-30). Accordingly, since the 'data' referred to by Ozer et al. is metadata that is capable of being used for controlling access to content, as evidenced by Horiwitz et al., the argument that combination is improper since Ozer et al. does not describe the intended usage of the data is not persuasive in rendering the combination improper.

Regarding applicant's alternative argument that even if Ozer et al. is combined with Horowitz, the pointers in Ozer et al. link the "data" with advertising and therefore there is no motivation to modify the system by using the linked data for access control, the examiner

respectfully disagrees. Horiwitz et al. teaches the particular usage of 'metadata' associated with ratings information in order to determine whether or not received 'content' or video programming could be accessed. The reference is unclear as to where the disclosed rating information comes from in the first place. It is unclear that it in fact does not use 'pointers' as claimed in order to link what is actually being watched to 'metadata' that is subsequently compared against blocking criteria.

The Ozer et al. reference teaches techniques for monitoring user behaviors in association with the viewing of television programming. Ozer ('929) explicitly teaches that its monitoring techniques extend to all types of television programming or 'content' including advertisements (Col 14, Lines 12). Therefore, the teachings of Ozer et al. are not limited to the exemplary usage of any particular type of 'content' as argued. Guide data is known to comprise 'metadata' (Ozer et al. ('929): Col 8, Lines 4-12) that may be linked using a 'pointer' or marker that serves to identify the programming being played (Ozer et al. ('631): Page 15, Line 1-23; Page 16, Line 22 – Page 17, Line 6) and to further 'retrieve the metadata' using the 'pointer' (Ozer et al.: ('631): Page 18, Lines 3-13). Therefore, Ozer et al. teaches a technique for associating an actual program with its corresponding 'metadata' in a manner as claimed. The references do not preclude that this linking technique be used with another other system such as Horiwitz so as to advantageously protect children from viewing inappropriate content (Col 1, Lines 50-56) in addition to determining what information was viewed for statistical metrics. Accordingly, it is the examiner's opinion that one would have been sufficiently motivated to combine the teachings of Horiwitz and Ozer to arrive at the claimed limitations.

With respect to applicant's arguments against multiple claims regarding the particular usage of the 'pointer being encoded in a vertical blanking interval' not being taught by Horowitz et al., it is respectfully noted that the Ozer et al. ('631) application provides evidence and is relied upon to teach the pointer being encoded in a vertical blanking interval of a signal (Ozer et al. ('631): Page 15, Lines 9-12).

Finally, with respect to applicant's further arguments regarding Ozer et al teaching away from 'providing the selected content on a removable medium' since program guide data would not likely be available for content stored on a removable medium, the examiner respectfully disagrees. Applicant's provide none of the necessary evidence to support their position that having content stored on a removable medium would necessarily not have related EPG data. Therefore, applicant's arguments cannot be found persuasive. However, it is respectfully noted that Kamen provides evidence that having EPG data for recorded content is known in the art (Para. [0026] – [0027]).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent

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any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2-5, 9-14, 16, 19, 20, 21, 23-25, 27-30, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horiwitz et al. (US Pat No. 6,785,901) in view of Ozer et al. (US Pat No. 6,704,929).

In consideration of claim 9, the Horiwitz et al. reference discloses a “method to control access to content via a player system” (Figure 2) that is “accessible by a plurality of users” associated with the household (Col 10, Lines 46-54). The method comprises “providing a default profile including at least one filtering criterion . . . describing at least one of a characteristic of content permitted for all of the plurality of users and a characteristic of content prohibited for all of the plurality of users” (Col 2, Lines 38-54; Col 9, Lines 19-21; Col 10, Lines 55-62). The particular designation of what ratings/content to block also serves to designate which characteristics are allowed. The system subsequently “compares metadata with a selected content and the filtering criterion of the default profile, the metadata including information related to the selected content” such as the particular rating associated with the program whereupon the system “permits or denies access to the content based upon the comparison” (Col 11, Lines 1-63) resulting in the display of the content. The Horiwitz et al. reference discloses the particular usage of “metadata associated with the selected content” in conjunction with ratings data derived from an electronic program guide (Figures 4 and 5; Col; 7, Line 17 – Col 8, Line 38). The reference teaches that when a user selects a particular

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channel that the system identifies the programming content (Col 11, Lines 54-56). The reference, however, is silent with respect to how the particularly tuned program is associated with its corresponding metadata.

In an analogous art pertaining to the field of video distribution systems, the Ozer et al. ('929) reference discloses a system and method for tracking viewing behavior of a home entertainment system. The reference teaches that viewer programming is monitored and that information such as that associated with ratings "metadata" as derived from the EPG is captured (Col 7, Line 53 – Col 8, Line 23; Col 11, Lines 16-28). The reference further incorporates by reference in its entirety US. Patent application No. 09/376,631 (now US Pat No. 6,708,335 – however, hereafter referred to as the Ozer et al. ('631) application) entitled "Tracking Viewing Behavior of Advertisements on a Home Entertainment System". The incorporated Ozer et al. ('631) application in conjunction with identifying programming and associated metadata including ratings, discloses that "metadata is associated with the selected content using a URL in connection with the selected content, and wherein the method further comprises obtaining the metadata using the URL, wherein the URL associates the metadata with the selected content" (Page 15, Line 1-23; Page 16, Line 22 – Page 17, Line 6; Page 17, Line 18 – Page 19, Line 10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Horiwitz et al. such that the "metadata is associated with the selected content using a URL in connection with the selected content, and wherein the method further comprises obtaining the metadata using the URL in connection with the selected content, and wherein the method further comprises obtaining the metadata using the URL, wherein the URL associates the metadata with the

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selected content” as taught by Ozer et al. for the purpose of providing a means so as to accurately measure television viewing behavior (Ozer et al. ('929): Col 2, Lines 19-34).

Claims 10 and 11 are similarly rejected using the combination of Horiwitz et al. and Ozer ('929). As previously noted, the Horiwitz et al. reference discloses a “method to control access to content via a player system” (Figure 2) that is “accessible by a plurality of users” associated with the household (Col 10, Lines 46-54). The method comprises “providing a default profile including at least one filtering criterion . . . describing at least one of a characteristic of content permitted for all of the plurality of users and a characteristic of content prohibited for all of the plurality of users” (Col 2, Lines 38-54; Col 9, Lines 19-21; Col 10, Lines 55-62). The particular designation of what ratings/content to block also serves to designate which characteristics are allowed. The system subsequently “compares metadata with a selected content and the filtering criterion of the default profile, the metadata including information related to the selected content” such as the particular rating associated with the program whereupon the system “permits or denies access to the content based upon the comparison” (Col 11, Lines 1-63) resulting in the display of the content. The reference, however, is silent with respect to how the particularly tuned program is associated with its corresponding metadata.

In an analogous art pertaining to the field of video distribution systems, the Ozer et al. ('929) reference discloses a system and method for tracking viewing behavior of a home entertainment system and further incorporates by reference in its entirety US. Patent application No. 09/376,631 (now US Pat No. 6,708,335 – however, hereafter referred to as the Ozer et al. ('631) application) entitled “Tracking Viewing Behavior of Advertisements on

a Home Entertainment System” in relationship to tracking of information. The incorporated Ozer et al. ('631) application teaches “obtaining the metadata using the pointer” wherein the “pointer to the metadata is encoded in a Vertical Blanking Interval of a signal of the selected content” and is a “URL” (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Horiwitz et al. such that “a pointer to the metadata is encoded in a Vertical Blanking Interval of a signal of the selected content, and the method further comprise obtaining the metadata using the pointer” as taught by Ozer et al. for the purpose of providing a means so as to accurately measure television viewing behavior (Ozer et al. ('929): Col 2, Lines 19-34).

Claim 2 is rejected wherein “access to the selected content is permitted if the comparison indicates that the selected content meets the filtering criterion of the default profile”. For example, if the default profile defines only TV-Y is acceptable, then programming with the rating can be viewed without a user needing to log into the system.

Claim 3 is rejected wherein the “content includes at least one of audio and video data” (Horiwitz et al.: Col 5, Lines 44-64).

Claim 4 is rejected wherein the “information of the meta data includes at least one of an MPAA rating [and] a content advisory (Horiwitz et al.: Col 7, Lines 18-30).

Claim 5 is rejected wherein the “filtering criterion includes at least one of an identification of acceptable ratings [and] identification of acceptable content advisories” (Horiwitz et al.: Col 7, Lines 18-30; Col 10, Lines 58-62).

Claim 12 is rejected wherein the method further “provides a user profile associated with a particular one of the plurality of users, the user profile including at least one filtering criterion describing at least one of . . . a characteristic of content prohibited from being accessed by the particular one of the users; comparing the filtering criterion of the user profile and the metadata; and permitting access to the selected content if the content meets the filtering criterion” (Horiwitz et al.: Figure 6; Col 10, Line 46 – Col 11, Line 63).

Claim 13 is rejected wherein the method further comprises “reverting back to the filtering criterion of the default profile in connection with accessing subsequent content” (Horiwitz et al.: Col 11, Lines 39-44).

Claim 14 is rejected wherein the method comprises “requiring the user to provide user information if the selected content does not meet the filtering criterion of the default profile” should the viewer desire to watch selected content which is not permitted by the default profile (Horiwitz et al.: Col 10, Lines 55-65).

Claim 16 is rejected wherein the “comparing step includes comparing the metadata and the filtering criterion of the default profile without requiring a user to provide user information” (Horiwitz et al.: Col 10, Lines 55-65).

Claim 21 is rejected in light of claim 1. Figures 1 and 2 of the Horiwitz et al. reference illustrate a “content player accessible to a plurality of users”. The player comprises a “memory device” [22] for “storing a default profile including at least one filtering criterion . . . describing at least one of a characteristic of content permitted for all of the plurality of users and a characteristic of content prohibited for al of the plurality of users” (Col 2, Lines 38-54; Col 9, Lines 19-21; Col 10, Lines 55-62). The particular designation of what ratings/content

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to block also serves to designate which characteristics are allowed. The “processor” [21] is “configured to compare metadata associated with a selected content and the filtering criterion of the default profile” (Col 11, Lines 1-53) whereupon the “processor [is] configured to permit or deny access to the content based upon the comparison” (Col 11, Lines 54-63) resulting in the display of the content as appropriate. The “processor” [21] “controls rendering of the content on a television” [204] and is “provided in a set-top box” (Col 5, Line 44 – Col 6, Line 11).

Horiwitz et al., however, is silent with respect to how the particularly tuned program is associated with its corresponding metadata in order to be subsequently utilized in conjunction with the ‘comparison’. In an analogous art pertaining to the field of video distribution systems, the Ozer et al. (‘929) reference discloses a system and method for tracking viewing behavior of a home entertainment system and further incorporates by reference in its entirety US. Patent application No. 09/376,631 (now US. Pat No. 6,708,335 – however, hereafter referred to as the Ozer et al. (‘631) application) entitled “Tracking Viewing Behavior of Advertisements on a Home Entertainment System” in relationship to tracking of information. The incorporated Ozer et al. (‘631) application teaches a “processor [being] configured to obtain the metadata for comparison using the pointer, the pointer being encoded in a vertical blanking interval of a signal of the selected content, and wherein the processor obtains the metadata . . . using the pointer” (Ozer et al. (‘631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Horiwitz et al. such that the “processor [being] configured to obtain the metadata for comparison using the pointer, the pointer being

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encoded in a vertical blanking interval of a signal of the selected content, and wherein the processor obtains the metadata for comparison using the pointer” as taught by Ozer et al. for the purpose of providing a means so as to accurately measure television viewing behavior (Ozer et al. ('929): Col 2, Lines 19-34).

Claim 23 is rejected wherein the “pointer is a URL” (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10).

Claim 24 is rejected wherein the “processor is configured to manage the default profile and a plurality of user profiles . . . being associated with a respective one of the users” (Horiwitz et al.: Figure 6).

Claim 25 is rejected wherein the “filtering criterion includes at least one of an identification of acceptable ratings [and] identification of acceptable content advisories” (Horiwitz et al.: Col 7, Lines 18-30; Col 10, Lines 58-62).

Claim 27 is rejected wherein the Horiwitz et al. reference discloses a “method to control access to content via a player system” as previously set forth. In particular, the reference discloses “selecting content” whereupon the system “obtains . . . metadata” and “compares the obtained the metadata and at least one filtering criterion . . . describing a characteristic of at least one of permitted content or prohibited content”. The system subsequently, “permits or denies access to the selected content based on the comparison” (Col 2, Lines 38-54; Col 10, Lines 55-62; Col 11, Lines 1-63). The reference, however, is silent with respect to the particular usage of a “pointer” in association with the user tuning to a particular channel so as to link the selected program with the corresponding “metadata” associated with the program.

As aforementioned, in an analogous art pertaining to the field of video distribution systems, the Ozer et al. reference and its incorporated Ozer et al. ('631) application disclose a method wherein "selected content has metadata linked thereto via a pointer" and "obtaining the metadata using the pointer" (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Horiwitz et al. such that the "metadata is associated with the selected content using a URL in connection with the selected content, and wherein the method further comprises obtaining the metadata using the URL" as taught by Ozer et al. for the purpose of providing a means so as to accurately measure television viewing behavior (Ozer et al. ('929): Col 2, Lines 19-34).

Claim 28 is rejected wherein the method comprises "extracting the pointer from the VBI" wherein the "pointer is embedded in a Vertical Blanking Interval (VBI) of a signal of the selected content" (Ozer et al. ('631): Page 15, Lines 9-12).

Claim 29 is rejected wherein the "pointer is a URL" and the "step of obtaining the metadata of the selected content includes obtaining the metadata over the Internet using the URL" (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10).

Claim 30 is rejected in light of the aforementioned rejection of claim 27. Figures 1 and 2 of Horiwitz et al. illustrate a "content player" such as a set-top box. The player comprises a "memory device" [22] for "storing at least one filtering criterion describing a characteristic of at least one of permitted content or prohibited content" (Col 2, Lines 38-54; Col 10, Lines 55-62). The "processor" [21] "compares the metadata to the filtering criterion" and subsequently, "permits or denies access to the selected content based on the comparison"

(Col 2, Lines 38-54; Col 10, Lines 55-62; Col 11, Lines 1-63). The reference, however, is silent with respect to the particular usage of a “pointer” in association with the user tuning to a particular channel so as to link the selected program with the corresponding “metadata” associated with the program.

As aforementioned, in an analogous art pertaining to the field of video distribution systems, the Ozer et al. ('929) reference and its incorporated Ozer et al. ('631) application disclose a method wherein a “processor is configured to obtain a pointer to metadata associated with selected content” and to “extract the pointer from a vertical blanking interval (VBI) of a signal of the selected content” (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Horiwitz et al. such that the “processor [is] configured to obtain a pointer to metadata associated with selected content, obtain the metadata using the pointer, compare the metadata to the filtering criterion, and to permit or deny rendering of the selected content based on the comparison, wherein the processor is configured to extract the pointer from a vertical blanking interval (VBI) of a signal of the selected content” for the purpose of providing a means so as to accurately measure television viewing behavior (Ozer et al. ('929): Col 2, Lines 19-34).

Claim 32 is rejected wherein the “pointer is a URL” and the “processor is further configured to obtain the metadata over the Internet using the URL” (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10).

Claim 33 is rejected as previously set forth wherein the Horiwitz et al. reference discloses a “method to control access to content stored on a memory device” such as a digital

recording device (Col 5, Lines 47-55). The method comprises “selecting the content stored on the memory device, reading metadata associated with the content . . . comparing the metadata to at least one stored filtering criterion . . . describing a characteristic of at least one of permitted and prohibited content, and permitting or denying rendering of the content based on the comparison” (Col 2, Lines 38-54; Col 9, Lines 19-21; Col 10, Lines 55-62; Col 11, Lines 1-63). The reference, however, is silent with respect to the particular usage of a “pointer” in association with the user tuning to a particular channel so as to link the selected program with the “metadata” associated with the program.

As aforementioned, in an analogous art pertaining to the field of video distribution systems, the Ozer et al. ('929) reference and its incorporated Ozer et al. ('631) application disclose a method wherein “metadata is read from a location indicated by a pointer extracted from a vertical blanking interval (VBI) of a signal of the selected content” (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Horiwitz et al. such that the “metadata is read from a location indicated by a pointer extracted from a vertical blanking interval (VBI) of a signal of the selected content” for the purpose of providing a means so as to accurately measure television viewing behavior (Ozer et al. ('929): Col 2, Lines 19-34).

Claim 34 is rejected wherein the “metadata includes ratings information” (Horiwitz et al.: Col 7, Lines 18-30).

Claim 35 is rejected wherein Figures 1 and 2 of the Horiwitz et al. reference illustrate a “content player”. The player comprises a “memory device” [22] “storing at least one

filtering criterion describing a characteristic of at least one of permitted content and prohibit content” in association with the default profile content (Col 2, Lines 38-54; Col 10, Lines 55-62). The player further comprises a “processor” [21] that is “configured to compare at least one stored filtering criterion with metadata associated with selected content” and to “permit or deny rendering of the selected content based on the comparison” (Col 9, Lines 19-21; Col 11, Lines 54-63) resulting in the display of the content as appropriate. The reference, however, is silent with respect to the particular usage of a “pointer” in association with the user tuning to a particular channel so as to link the selected program with the “metadata” associated with the program.

As aforementioned, in an analogous art pertaining to the field of video distribution systems, the Ozer et al. ('929) reference and its incorporated Ozer et al. ('631) application disclose a method wherein a “processor is configured to retrieve the metadata using a pointer” (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Horiwitz et al. such that the “processor is configured to retrieve the metadata using a pointer” for the purpose of providing a means so as to accurately measure television viewing behavior (Ozer et al. ('929): Col 2, Lines 19-34).

5. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horiwitz et al. (US Pat No. 6,785,901), in view of Ozer et al. (US Pat No. 6,704,929), and in further view of alSafadi et al. (US Pub No. 2003/0088420 A1).

In consideration of claims 6 and 26, the Horiwitz et al. reference is silent with respect to the “metadata being coded in XML”. In an analogous art pertaining to the field of content

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distribution, the alSafadi et al. reference discloses the particular distribution of EPG ratings information or “metadata being coded in XML” (Para. [0024] and [0043]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Horiwitz et al. such that the “metadata is coded in XML” for the purpose of providing a means that allows for different types of content from different sources to be configured in a standardized manner for efficient processing by different EPGs (alSafadi et al.: Para. [0002] – [0005]).

6. Claims 7, 8, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horiwitz et al. (US Pat No. 6,785,901), in view of Ozer et al. (US Pat No. 6,704,929), and in further view of Kamen (US Pub No. 2003/0014750 A1).

Regarding claims 7 and 18, Horiwitz et al. teaches that the set-top box [202] may be a digital recording device (Col 5, Lines 47-51) and may further utilize a “removable medium” or optical disk (Col 4, Lines 45-50). However, the reference is unclear regarding the “selected content” necessarily being provided through local reproduction associated with the “removable medium”. In an analogous art pertaining to the control of access to content, the Kamen reference provides evidence that it is known in the art to facilitate parental control features wherein “selected content [is] provided on a removable medium” such as an optical disk (Para. [0026], [0027], [0046], and [0055]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Horiwitz et al. ‘digital recording device’ such that the “selected content [is] provided on a removable medium” for the purpose of advantageously controlling access to both recorded and non-recorded content (Kamen: Para. [0003] – [0005]).

Claim 8 is rejected wherein the “medium includes at least one of a CD, DVD, magnetic tape, and flash memory” (Horiwitz et al.: Col 4, Lines 45-50).

In consideration of claim 15, the Horiwitz et al. reference discloses the particular provision of the user needing to log onto the system in order to view blocked content. The reference discloses the particular usage of individual profiles associated with individual users (ex. [602/604/606]) and the particular usage of passwords or other identification in order to access programming (Col 11, Lines 39-63). The reference, however, is unclear with respect to the “user information including a username and a password, [and] the user profile being associated with the username”. In an analogous art pertaining to the control of access to content, the Kamen reference discloses a method for controlling access to content wherein “user information includes a username and a password [and] the user profile is associated with the username” (Figure 8; Para. [0037] – [0039] and [0046]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Horiwitz et al. such that the “user information including a username and a password, the user profile being associated with the username” for the common knowledge purpose of providing an added level of security when logging on to access restricted content and additionally for the purpose of advantageously providing a method for controlling access to recorded content (Kamen: Para. [0003] – [0005]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or

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access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or
571-272-1000.



SEB
July 6, 2007

Scott Beliveau
Primary Examiner
Art Unit 2623